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Human rights situations and reports of special rapporteurs and representatives

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, San Marino, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Human rights situation in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,[3]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1999/14 of 23 April 1999,

Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

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population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, and Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the concluding observations of the Human Rights Committee,[4] the Committee on the Elimination of Racial Discrimination,[5] the Committee on Economic, Social and Cultural Rights[6] and the Committee on the Rights of the Child[7] on Iraq's recent reports to these treaty monitoring bodies,

Taking note of the report of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[8] 1111 (1997),[9] 1143 (1997),[10] 1175 (1998),[11] 1210 (1998),[12] 1242 (1999)[13] and, in particular, his report of 19 August 1999 concerning the implementation of Council resolution 1242 (1999),[14]

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire humanitarian situation in Iraq, which particularly affects certain vulnerable groups, such as children, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[15] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, executions and other sanctions;

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[4] CCPR/79/Add.84.

[5] CERD/C/55/CRP.1/Add.10.

[6] E/C.12/1/Add.17.

[7] CRC/C/15/Add.94.

[8] See *Official Records of the Security Council, Fifty-first Year, Supplement for October, November and December 1996*, document S/1996/1015.

[9] Ibid., *Fifty-second Year, Supplement for October, November and December 1997*, document S/1997/935.

[10] Ibid., *Fifty-third Year, Supplement for January, February and March 1998*, documents S/1998/90 and S/1998/194, and ibid., *Supplement for April, May and June 1998*, document S/1998/477.

[11] Ibid., ___.

[12] Ibid., ___.

[13] Ibid., ___.

[14] Ibid., ___.

[15] A/54/466.

(c) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and the United Nations safeguards;

(d) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law, for example the execution of delinquents for minor property offences and customs violations;

(e) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To respect the rights of all ethnic and religious groups and to cease immediately its repressive practices, aimed at the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkouk and Khanakin and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms, including the full freedom of belief, of the Shi'a and their religious establishment;

(h) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(i) To cooperate fully with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999) and 1266 (1999) to ensure fully the equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of the humanitarian supplies purchased under the oil for food programme and continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

(k) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. *Decides*:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

(b) To continue the examination of the situation of human rights in Iraq at its fifty-fifth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.